

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**ROBYN WAHLGREN, SUCCESSOR TRUSTEE OF THE AMENDMENT IN WHOLE
OF THE EUGENE STANLEY BOYDSTON AND MARY M. BOYDSTON TRUST
DATED JANUARY 15, 2002,
RESPONDENT**

vs.

**MS. ROBYN WAHLGREN, INDIVID.,
RESPONDENT**

**MRS. PAULA A. RACCUGLIA AND MRS. MARY M. HUNT,
APPELLANTS**

DOCKET NUMBER WD76876

DATE: JUNE 17, 2014

Appeal from:

The Circuit Court of Buchanan County, Missouri
The Honorable Daniel F. Kellogg, Judge

Appellate Judges:

Division Two: Victor C. Howard, Presiding Judge, Alok Ahuja, Judge and Gary D. Witt, Judge

Attorneys:

Eric J. Poggemiller, for Respondent Robyn Wahlgren

Lindsey C. Bachman, Respondent Bolander

James. R. Schurman, for Appellants

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**ROBYN WAHLGREN, SUCCESSOR TRUSTEE OF THE AMENDMENT IN WHOLE
OF EUGENE STANLEY BOYDSTON AND MARY M. BOYDSTON TRUST DATED
JANUARY 15, 2002, RESPONDENT**

v.

**MS. ROBYN WAHLGREN, INDIVID., RESPONDENT
MRS. PAULA A. RACCUGLIA AND MRS. MARY M. HUNT, APPELLANTS**

WD76876

Buchanan County, Missouri

Before Division Two: Victor C. Howard, Presiding Judge, Alok Ahuja, Judge and Gary D. Witt,
Judge

Paula Raccuglia and Mary Hunt appeal the judgment of the trial court overruling their objections to Successor Trustee's Proposed Distribution Plan for the Amendment in Whole of the Eugene Stanley Boydston and Mary M. Boydston Trust and directing Successor Trustee to distribute the Trust assets as proposed. They contend that Distribution Plan was contrary to the intent of Grantors in several ways. Ms. Wahlgren filed a motion to dismiss appeal, which was taken with the case, asserting that because other issues in the case remain pending, the judgment on Successor Trustee's Proposed Distribution Plan was not final or appealable.

The appeal is dismissed.

DISMISSED.

Division Two holds:

While section 472.160.1 creates an expedited right to permissively appeal from certain interlocutory orders including all apportionments among distributees, the judgment in this case, which directs Successor Trustee to distribute the Trust assets as proposed, does not fully adjudicate the rights of the parties regarding the trust property or dispose of the issue. Claims involving requests for an accounting, allegations of misconduct, and an attempt to exclude Ms. Wahlgren from participation as a beneficiary remain pending and will ultimately affect the distribution of trust assets; therefore, the issue has not been fully adjudicated, and the judgment is not appealable.

Opinion by: Victor C. Howard, Judge

Date: June 17, 2014

This summary is *UNOFFICIAL* and should not be quoted or cited.